

Anchill, Benjamin (USAMIE)

From: Dodge, Lynn (USAMIE)
Sent: Friday, February 26, 2021 4:11 PM
To: Anchill, Benjamin (USAMIE)
Subject: FW: Dasilva v. Esper

Here was the most recent

From: Keith Altman <kaltman@lawampmmt.com>
Sent: Wednesday, February 17, 2021 4:17 PM
To: 'Brian E. Koncius' <bkoncius@kbogaslaw.com>; Dodge, Lynn (USAMIE) <ldodge@usa.doj.gov>
Subject: RE: Dasilva v. Esper

We disagree and you may file your motions.

Chief Potter has been found responsible on two occasions for sexually harassing my client. Why do you think that nobody should be responsible here?

Keith Altman
The Law Office of Keith Altman
516-456-5885
kaltman@lawampmmt.com
Licensed in California and Michigan

From: Brian E. Koncius <bkoncius@kbogaslaw.com>
Sent: Wednesday, February 17, 2021 4:13 PM
To: Dodge, Lynn (USAMIE) <Lynn.Dodge@usdoj.gov>; kaltman@lawampmmt.com
Subject: RE: Dasilva v. Esper

Keith -

Please consider Lynn's email our request for concurrence in the same relief as we will be filing a Motion to Dismiss and concurring in the relief sought by the US Attorney's office.

-bk

BRIAN E. KONCIUS
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Please consider the environment before printing this e-mail.

From: Dodge, Lynn (USAMIE) [<mailto:Lynn.Dodge@usdoj.gov>]
Sent: Wednesday, February 17, 2021 10:42 AM
To: kaltman@lawampmmt.com
Cc: Brian E. Koncius
Subject: Dasilva v. Esper

Hi Keith,

Pursuant to Local Rule 7.1, I'm contacting you one last time to ask your concurrence in the motion to dismiss.

As we have discussed before, and I've sent you caselaw on the issue, the allegations in the complaint will likely be dismissed. I'm attaching the decision in the *Parker* case, in which similar allegations were attempted and the complaint was dismissed *with prejudice*. I would urge you to consider amending your complaint to conform with the caselaw on what the allegations should look like. My motion to dismiss is due tomorrow. If you would like to reconsider, we can agree to a scheduling order allowing you to amend your complaint before we file the motion.

Otherwise, please let me know if you will concur in the motion to dismiss.

Thanks for considering all of this.

Lynn Dodge

Lynn M. Dodge | Assistant United States Attorney
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